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2 District of Nevada  
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6 Attorney for the United States

7 UNITED STATES DISTRICT COURT  
8 DISTRICT OF NEVADA

-oOo-

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 VLADIMIR ALEXANDER AYALA-  
13 MELARA,

14 Defendant.

Case No.: 2:18-mj-00347-PAL

STIPULATION TO CONTINUE  
PRELIMINARY HEARING  
(First Request)

15 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United  
16 States Attorney, Frank Johan Coumou, Assistant United States Attorney, counsel for the United  
17 States of America, and Thomas A. Ericsson, counsel for defendant VLADIMIR ALEXANDER  
18 AYALA-MELARA, that the preliminary hearing date in the above-captioned matter, currently  
19 scheduled for April 10, 2018, at 4:00 p.m., be vacated and continued for a period of thirty (30)  
20 days to a date and time to be set by this Honorable Court.

21 This Stipulation is entered into for the following reasons:

22 1. The Government is obtaining discovery and providing it to Defendant pre-  
23 indictment to assess and to evaluate the case. The additional time will allow the parties to discuss  
24 the case and potential resolution in the interest of justice.

2. Defendant is incarcerated and does not object to a continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice.

6. The additional time requested by this stipulation is allowed, with the defendant's consent, under the Federal Rules of Criminal Procedure 5.1 (d).

7. This is the first request to continue the preliminary hearing.

DATED this 10<sup>th</sup> day of April, 2018.

DAYLE ELLIESON  
United States Attorney

ORONOS, ERICSSON & GAFFNEY, LLC

By: /s/ Frank J. Coumou  
FRANK JOHAN COUMOU  
Assistant United States Attorney

By: /s/ Thomas A. Ericsson  
THOMAS A. ERICSSON  
Attorney for Vladimir Alexander Ayala-  
Melara

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

-oOo-

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VLADIMIR ALEXANDER AYALA-  
MELARA,

Defendant.

Case No.: 2:18-mj-00347-PAL

ORDER

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court hereby finds that:

1. The parties have initiated discussions regarding the case pre-indictment and discovery is being provided to the Defendant.

2. The parties agree to the continuance.

3. Defendant is incarcerated and does not object to the continuance through his attorney.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. The additional time requested herein is not sought for purposes of delay, and good cause is shown by the parties to continue the preliminary hearing.

6. The additional time requested by this stipulation is allowed, with the defendant's consent, under the Federal Rules of Procedure 5.1 (d).

7. This is the first request to continue the preliminary hearing.

1 For all of the above-stated reasons, the ends of justice would best be served by a  
2 continuance of the preliminary hearing date.

3 **CONCLUSIONS OF LAW**

4 The ends of justice served by granting said continuance outweigh the best interest of the  
5 public and the defendant, since the failure to grant said continuance would be likely to result in a  
6 miscarriage of justice, would deny the parties herein to assess the case prior to indictment, and  
7 further would deny the parties sufficient time and the opportunity within which to be able to  
8 effectively and thoroughly prepare for the preliminary hearing, taking into account the exercise  
9 of due diligence.

10 The continuance sought herein is allowed, with the defendant's consent pursuant to  
11 Federal Rules of Procedure 5.1(d).

12 **ORDER**

13 IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for  
14 April 10, 2018 at the hour of 4:00 p.m. be vacated and continued to May 10, 2018, at the hour  
15 of 4:00 p.m.

16  
17 DATED this 13th day of April, 2018.

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19   
20 THE HONORABLE PEGGY A. LEEN  
21 UNITED STATES MAGISTRATE JUDGE  
22  
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